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Patricia S. Connor, Clerk
United States Court of Appeals for the Fourth Circuit
1100 East Main Street, Suite 501
Richmond, Virginia 23219-3517

**Re: *United States v. Quotez Pair*,
No. 21-4269
Letter under Fed. R. App. P. 28(j)**

Dear Ms. Connor:

The defendant maintains that his right to a speedy trial was violated, in part, because the district court improperly relied on the Eastern District of Virginia's general orders suspending criminal jury trials during the COVID-19 pandemic to continue his trial date. Since the government filed its response brief, two circuits have joined the Ninth Circuit in concluding that a district court may grant an ends-of-justice continuance under 18 U.S.C. § 3161(h)(7)(A) based on general orders suspending jury trials during the COVID-19 pandemic. *United States v. Leveke*, — F.4th —, 2022 WL 2203370, at *4 (8th Cir. June 21, 2022); *United States v. Roush*, No. 21-3820, 2021 WL 6689969, at *2 (6th Cir. Dec. 7, 2021); *see United States v. Olsen*, 995 F.3d 683 (9th Cir. 2021) (per curiam), *amended by* 21 F.4th 1036 (9th Cir. 2022) (per curiam).

In *Leveke*, “the district court issued numerous administrative orders explaining how and why the COVID-19 pandemic was interrupting jury trials in the entire district.” 2022 WL 2203370, at *4. The district court “also made findings relating to [the defendant’s] individual case,” including how the defendant’s “jury trial could not have taken place sooner given the safety hazards posed by the rising COVID-19 infection rate in [the defendant’s] area.” *Id.* The Eighth Circuit concluded that the district court “did not err in continuing [the defendant’s] jury trial under § 3161(h)(7)(A).” *Id.* Similarly, in *Roush*, the district court found that “its General Orders pertaining to the pandemic—which were expressly issued as ends-of-justice continuances excludable from speedy trial calculations—applied to [the defendant’s] case.” 2021 WL 6689969, at *2. The Sixth Circuit held that “[t]he district court did not abuse its discretion in finding that the ends of justice served by postponing or limiting jury trials during the pandemic under the General Orders outweighed [the defendant’s] right to a speedy trial.” *Id.*

Olsen, *Leveke*, and *Roush* confirm that the district court did not abuse its discretion when it found that the ends of justice served by continuing the defendant’s trial during the COVID-19 pandemic outweighed the defendant’s interest in a speedy trial.

Respectfully,

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